IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (PIL) NO. 2425 OF 2004

Majlis Manch,]
a Public Trust, having its office at]
A-2/4, Golden Valley, Kalina,]
Mumbai 400 098] ...
Petitioner

VERSUS

1. State of Maharashtra]

2. Commissioner of Police]
for Greater Mumbai,]
Crawford Market, Mumbai 400 001]

3. Bar Council of Maharashtra & Goa,]
High Court, Mumbai]

4. Registrar of Marriages,]
Room No. 13, Ground Floor,]
MHADA Building, Bandra (East),]
Mumbai 400 051] ...
Respondents

Ms. Flavia Agnes for the Petitioner

Mr. Ravi Kadam, Advocate-General, with Mr. R.M. Sawant, Government Pleader, for Respondent Nos. 1 and 2

Mr. Rajiv Patil for Respondent No. 3.

CORAM: DALVEER BHANDARI, C.J., &
S.J. VAZIFDAR, J.
DATE: AUGUST 10, 2005.

ORAL JUDGMENT (Per Dalveer Bhandari, C.J.):-

1. The petitioner is a registered public trust and functions in the capacity of a non-Government organisation. It has filed this public interest litigation in which a complaint has been made that several shops commonly known as “Marriage Sansthas” or “Marriage Bureaus” are in existence outside the Metropolitan Magistrate's Court on Anant Kanekar Marg, Bandra (East), Mumbai 400 051, in other places in the City of Mumbai as well as in the State of Maharashtra. It is alleged that most of these Sansthas and Bureaus are run by the practising lawyers and notaries whose names are painted on big boards, which are put up outside the marriage sansthas. Their activities include registration and

dissolution of marriages. The official fee for registering the marriage at the office of respondent No. 4 is Rs.50/-, but these marriage sansthas charge exorbitant fee and have become money spinning rackets. According to the petitioner, unfortunately, members of the Bar are involved in such illegal activities. They lure the public with the promise of instant marriage and instant divorce.

2. The petitioner has annexed large number of photographs of the big size boards, indicating the names of various marriage bureaus and sansthas. Adjoining to these boards, there are boards of various practising lawyers clearly giving impression that the lawyers are either running the bureaus and sansthas or at least closely associated with them.

3. The petitioner-Trust prayed for a writ of mandamus against the State of Maharashtra and the Commissioner of Police for Greater Mumbai

prohibiting them from allowing any person not authorised by law or custom establishing or carrying on any activity purporting to solemnise or dissolve a marriage.

4. It is also prayed for a writ of mandamus against the State of Maharashtra and the Commissioner of Police for Greater Mumbai prohibiting them from allowing any person/Advocate /Notary establishing or carrying on any activity purporting to solemnize or dissolve a marriage in the proximity of any court premises.

5. In the public interest litigation, it is also prayed that the Commissioner of Police for Greater Mumbai be directed to investigate and take appropriate criminal action in accordance with law against the Advocates/Notaries who are engaged in illegal activities.

6. The petitioner has also prayed that the Registrar of Marriages be restrained from registering the Marriage Bureaus/shops/ sansthas and cancelling the registration of Marriage Bureaus which violate the provisions of law and directions given by this Court.

7. The petitioner has also prayed that the Registrar of Marriages be directed to display prominent notice boards outside court premises in English, Hindi and a vernacular language that advocates / notaries of the marriage bureaus do not have the authority to solemnise or dissolve marriages.

8. Looking to the gravity of this matter, we requested the learned Advocate General for the State of Maharashtra and the learned Chairman of the Bar Council of Maharashtra and Goa to assist this Court.

9. The learned Advocate General appearing for the State appreciated the gravity of the matter, and

assured the Court that necessary steps would be taken to curb the illegal activities of such bureaus and sansthas as expeditiously as possible.

10. During the pendency of the public interest litigation, the Court also directed the respondents to ensure that instructions are issued with the aim of educating people how marriages are solemnised and divorces are granted. We also directed respondents No. 1 and 2 to file affidavit, placing on record the steps taken by them.

11. Pursuant to the show-cause notice issued by this Court, the Assistant Commissioner of Police, Crime Branch, Santacruz (West), Mumbai, filed affidavit on 20th December, 2004. He submitted in his affidavit that there were 19 Marriage Bureaus which were operating initially at Bandra (East). Out of them, only 13 bureaus are functioning now.

12. On Court's notice, Varsha C. Rokade, Secretary of the Bar Council of Maharashtra and Goa, also filed affidavit. It is submitted that the Bar Council has initiated *suo motu* enquiry on the basis of averments made in the public interest litigation and documents attached thereto. Three hearings have already taken place. The said enquiry is at the stage of framing of charges / issues and soon, evidence would be recorded in the enquiry. The Chairman of the Bar Council of Maharashtra and Goa has informed the Court that the Bar Council has decided to take strict action against all those who would be found guilty.

13. Narsing Nivruttirao Khandare, Sub-Registrar and Administrative Officer, Mumbai City, also filed affidavit on 21st March, 2005. He mentioned that there were 19 Marriage Bureaus which were operating in Mumbai City when the hearing of the above captioned public interest litigation had commenced. It is further mentioned in the affidavit

that pursuant to the directions of this Court and the assurance given by the learned Advocate General, action has been taken by the Registrar of Marriage Bureaus and Marriages, Mumbai City; and out of 19 Marriage Bureaus, licences of 5 Marriage Bureaus have been cancelled due to non-compliance of this Court's order. FIRs have been lodged in police stations of Mumbai City against 14 Marriage Bureaus and action against all the erring people would be taken in accordance with law.

14. A.R. Devgunde, Sub-Registrar and Administrative Officer, Mumbai Suburban District, Bandra, also filed affidavit on 25th July, 2005, in which it is mentioned that pursuant to the orders passed by this Court, the Marriage Registrar has taken various steps, *inter alia*, to stop the malpractices carried out in the said Marriage Bureaus. He mentioned that out of 35 Marriage Bureaus operating initially when this public interest litigation was filed, action has been taken

against 30 Marriage Bureaus and at present, only 5 Marriage Bureaus are functioning with valid registration certificates. It is also mentioned that steps have been taken to stop the entry of unauthorised persons into the office of the Marriage Officer and Marriage Registrar. Notice boards have now been prepared and put up in the office of the Marriage Officer and Marriage Registrar at Bandra (East), Mumbai. He mentioned that all necessary corrective steps have already been taken and the local police have also been asked to depute policemen so as to filter entry of persons in the office of the Marriage Officer and Marriage Registrar. Information has been given in the notice boards in English, Hindi and Marathi in the office of the Marriage Officer and Marriage Registrar, which reads as under:-

> (1) No admission for any Agents/touts/unauthorised person in the Office of Marriage Officer and Marriage Registrar.

(2) All the concerned parties are hereby informed that they should not contact any Agent/tout/ unauthorised person for Registration of Marriage under Special Marriage Act, 1954 and Maharashtra Regulation of Marriage Bureaus and Registration of Marriages Act, 1998 and Rules, 1999.

(3) The parties (Bride and the Bride groom) have to be present in person before the Marriage Officer and Marriage Registrar along with three witnesses.

(4) For all their enquiries only concerned parties are requested to meet personally only the Marriage Officer and Marriage Registrar.

(5) Do not contact any Agent/touts/unauthorised person and pay any unauthorised money. Demand for illegal money should be brought to the NOTICE of the Marriage Officer and Marriage Registrar.

(6) Demand/acceptance of bribe is a social offence and for any demand, should contact Anti-Corruption Bureau, Telephone No. 022-24921212 and 022-24922618."

15. Ms. Flavia Agnes, Secretary of the petitioner, very fairly stated that after the various directions given by this Court, the situation has considerably improved.

Presently, no Marriage Bureau, to her knowledge, is engaged in clandestine activities and no unauthorised persons have been seen in the office of the Marriage Officer and Marriage Registrar. In view of this statement and other affidavits filed on record, no further directions are necessary in this public interest litigation, and this PIL is accordingly disposed of.

16. Before we part with this case, we would like to place on record our appreciation for Ms. Flavia Agnes, Secretary of the petitioner, for filing this useful public interest litigation and bringing to the notice of this Court the illegalities and irregularities which were taking place in various unauthorised Marriage Bureaus in the City of Mumbai. We would also like to place on record our appreciation for the special efforts which have been taken by the learned Advocate General and Bar Council of Maharashtra

and Goa for helping the Court in early resolution of this problem.

17. Since we have disposed of this public interest litigation, consequently, all Chamber Summonses filed in this PIL are also disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.